

PART 61-250—ANNUAL REPORT FROM FEDERAL CONTRACTORS

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AUTHORITY: 38 U.S.C. 2012(d).

SOURCE: 52 FR 6677, Mar. 4, 1987, unless otherwise noted.

§ 61-250.1 Purpose and scope.

(a) This Part 61-250 implements 38 U.S.C. 2012(d). Each contractor or subcontractor who enters into a contract in the amount of \$10,000 or more with any department or agency of the United States for the procurement of personal property and non-personal services (including construction) to whom 38 U.S.C. 2012(a) and 41 CFR Part 60-250 apply, shall submit a report according to requirements of § 61-250.10 of this part.

(b) Except as noted in § 61-250.10 of this part, this part does not revise or replace the regulations in force at 41 CFR 60-250 which apply to veterans' affirmative action obligations of contractors and subcontractors administered by the Office of Federal Contract Compliance Programs (OFCCP), Employment Standards Administration, Department of Labor.

(c) Veterans' reporting requirements of this part will be deemed waived in those instances where the Director, OFCCP has granted a waiver under 41 CFR 60-250.3(a)(5), or concurred in granting a waiver under 41 CFR 60-250.3(b), from compliance with all of the terms of the affirmative action clause for those establishments not involved in government contract work. Where OFCCP grants only a partial waiver, compliance with veterans' reporting will be required.

§ 61-250.2 Definitions.

(a) For purposes of this part, and unless otherwise indicated in paragraph (b) of this section, the terms set forth in this part shall have the same meaning as set forth in 41 CFR Part 60-250.

(b) For purposes of this part:

(1) *Hiring location* (identical to *establishment* as defined by the instructions for completing Standard Form 100, Equal Employment Opportunity Employer Information Report EEO-1) means an economic unit which produces goods or services, such as a factory, office, store, or mine. In most instances the establishment is at a single physical location and is engaged in one, or predominantly one, type of economic activity (definition adapted from the 1972 Standard Industrial Classification Manual). Units at different physical locations, even though engaged in the same kind of business operation should be reported as separate establishments. For locations involving construction, transportation, communications, electric, gas, and sanitary services, oil and gas fields, and similar types of physically dispersed industrial activities, however, it is not necessary to list separately each individual site, project, field, line, etc., unless it is treated by the contractor as a separate legal entity with a separate Employer Identification Number. For these types of activities, list as establishments only those relatively permanent main or branch offices, terminals, stations, etc., which are either (a) directly responsible for supervising such dispersed activities, or (b) the base from which personnel and equipment operate to carry out these activities. (Where these dispersed activities cross State lines, at least one such *establishment* should be listed for each State involved.)

(2) *Employee* means any individual on the payroll of an employer who is an employee for purposes of the employer's withholding of Social Security taxes except insurance salesmen who are considered to be employees for such purposes solely because of the provisions of section 3121(d)(3)(B) of the Internal Revenue Code. The term *employee* shall not include persons who are hired on a casual basis for a specified time, or for the duration of a specified job, and work on remote or scattered sites or locations where it is not practical or feasible for the employer to make a visual survey of the work force within the report period; for example, persons at a construction site